

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

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CARLA MARTENSON,  
Charging Party

HRB CASE NO. 0151017547

-v-

FINAL AGENCY DECISION

PRICE RITE DRUG,  
Respondent

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Charging Party, Carla Martenson (Martenson), filed a complaint with the Department of Labor and Industry (Department) alleging discrimination in employment on the basis of disability and reasonable accommodation. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Martenson's allegations that Respondent, Price Rite Drug, discriminated against Martenson. The Department issued a Notice of Dismissal. Martenson filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on March 14, 2016. Carla Martenson did not appear to present oral argument. Chris Oliveira appeared and argued on behalf of Price Rite Drug.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Section 49-2-511(2), MCA*. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is not an abuse of discretion.

If a charging party chooses to commence a civil action in district court, the charging party has 90 days after the date this order is issued to file a complaint in district court, in the district where the alleged violation occurred, and seek appropriate relief. *Section 49-2-511(3)(a), MCA*. If a charging party fails to commence a civil action within 90 days, the claims are time barred. *Id.*

Alternatively, a party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Sections 2-4-702 and 49-2-511(3)(b), MCA.* This review must be requested within 30 days of the date of this order. A party must promptly serve copies of a petition for judicial review upon the Human Rights Commission and all parties of record. *Section 2-4-702(2), MCA.*

IT IS HEREBY ORDERED, that Carla Marteson's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Price Rite Drug.

DATED this 17th day of March, 2016.

A handwritten signature in black ink, reading "Dennis M. Taylor". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

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Dennis M. Taylor, Chair  
Human Rights Commission

# CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this 17th day of March, 2016.

CARLA MARTENSON  
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HELENA, MT 59601



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Annah Howard, Legal Secretary  
Montana Human Rights Bureau